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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,503	12/22/2003	Lan-Kun Don	LELI 3503	7777

321 7590 10/21/2004

SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

EXAMINER

ESTREMSKY, GARY WAYNE

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,503

Applicant(s)

DON ET AL.

Examiner

Gary Estremsky

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/19/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1 and 9 are objected to because of the following informalities:

claim 1; line 3 -a- should be inserted before "latch".

claim 9; line 3 -a- should be inserted before "latch".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As regards claim 2, it is not clear if recitation of "the slots" refers to the previously-recited, single "slot" of claim 1, or the two "recess(es)" of claim 1.

As regards claim 4, limitation of "generally U-shaped" is not a clear description of part 6a where it is not clear which parts should be considered or ignored to fairly say it is shaped like a "U". 'As best understood', it is a complex shape unlike a "U". Accordingly, the limitation must be treated broadly in consideration of the prior art at this time but clarification is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,746,154 to Fang.

Fang '154 teaches Applicant's claim limitations including : a "housing" - including 11, including a "bolt head" - 41, a "link" - 31, a "slot" - between 31,31, a "pair of elongated pieces" - rearward-extending legs 31,31, "transmitting portion" - 312,312, "recess" - between 312,313 and 312,313 respectively, a "first plate and a second plate" - upper and lower portions of 32, "transmitting portion" - at 324 upper and lower respectively, and an "engaging tab" - 321,321.

As regards claim 3, projection portions 31 and thickened (vertical direction as shown) base portions of legs 321 read on "locating portions". The law of anticipation requires that a distinction be made between the invention described or taught and the invention claimed. It does not require that the reference "teach" what the subject patent teaches. Assuming that a reference is properly "prior art," it is only necessary that the claims under consideration "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. *Kalman v. Kimberly-Clark Corp.*, 218 USPQ 789.

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As regards claim 5 and 7, the "faceplate" (12), (or 13) of Fang '154 has a "rectangular shape".

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,746,154 to Fang in view of U.S. Pat. No. 5,308,131 to Galindo.

Fang '154 teaches the claimed invention except for the "faceplate has a cylindrical shape". Galindo '131 discloses that it is well known to provide rectangular, or rectangular with rounded corners, or round faceplates. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the faceplate of Fang '154 with a cylindrical shape since it is a known equivalent in the art in order to make installation easier by not requiring a rectangular mortise for example. One of ordinary skill in the art would have more than a reasonable expectation of success since the proposed modification would not affect function of the device.

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Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,746,154 to Fang in view of U.S. Pat. No. 5,308,131 to Galindo and further in view of U.S. Pat. No. 5,498,037 to Fan Lai.

Fang '154, as modified above, does not disclose the "front end of the housing comprises at least one projection" and a "corresponding slot or L-shaped slot formed on the cylinder member". However, Fan Lai '037 teaches that it is well known in the art to provide at least one projection (132) and a corresponding slot (including 142) in the faceplate for attaching the faceplate to the housing. It would have been obvious to one of ordinary skill in the art to provide the housing and cylindrical face plate of Fang '154, as modified, with connecting structure as disclosed by Fan Lai '037 to provide fast, secure assembly of the parts. One of ordinary skill in the art would have more than a reasonable expectation of success since the proposed modification does not otherwise affect function of the assembly.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,354,109 to Lin.

U.S. Pat. No. 5,498,037 to Lai.

U.S. Pat. No. 5,551,736 to Fann.


U.S. Pat. No. 6,186,562 to Huang.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 703 308-0494. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on 703 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary Estremsky
Primary Examiner
Art Unit 3676